

AN ORDINANCE BY:
COUNCILMEMBER JIM MADDOX

Z-08-17

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING CERTAIN PROPERTIES FROM C-1 (COMMUNITY BUSINESS DISTRICT), C-2 (COMMERCIAL SERVICE), R-LC (RESIDENTIAL LIMITED COMMERCIAL), AND R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICTS WITHIN THE CASCADE HEIGHTS NEIGHBORHOOD TO THE NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, the property owners in the Cascade Heights Merchants Association have requested to rezone certain properties in the Cascade Heights neighborhood to the Neighborhood Commercial designation as shown on "Attachment A"; and

WHEREAS, the City of Atlanta conducted the Campbellton-Cascade Corridors Redevelopment Plan, which was adopted on September 18, 2006 by City Council as a guide for future development; and

WHEREAS the Bureau of Planning staff worked in partnership with residents, businesses, and property owners in NPU's I, R, and S to develop a vision to guide future development in the area in conjunction with desirable residential, office, commercial, and employment growth; and

WHEREAS, the purpose and intent is to maintain a balance of uses to create a vibrant and sustainable commercial district in keeping with the regulations of the Neighborhood Commercial District ordinance; and

WHEREAS, the Neighborhood Commercial District ordinance allows the longstanding business and property owners within the district to accommodate the needs of the adjacent neighborhoods; and

WHEREAS, the 1982 Zoning Ordinance and official zoning maps should be amended to include the proposed new designation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended adding a new Chapter 32F. NC-6 Cascade Heights Neighborhood Commercial District, which shall read as follows:

Chapter 32F. NC-6 Cascade Heights Neighborhood Commercial District

Section 16-32F.001. Scope of Provisions.

The regulations set forth in this Chapter, or set forth elsewhere in this part, when referred to in this Chapter, are the regulations for the NC-6 Cascade Heights Neighborhood Commercial District. The following NC-6 District regulations shall apply in addition to those of the general NC District regulations; except where said NC-6 District regulations conflict with the general NC regulations, said NC-6 regulations shall apply.

Section 16-32F.002. Specific Regulations.

The following regulations are specific to the NC-6 Cascade Heights Neighborhood Commercial District:

1. Permitted Principal Uses:

- a. The following uses shall be permitted if the parcel on which they are located is separated by a minimum distance of 1,000 linear feet, measured from, property line to property line from any like use: hair salons, barber shops, beauty supply, beauty school, and nail salons. This shall not be construed to mean that two of the above said uses within the same parcel shall be prohibited.
- b. Dry cleaning establishments within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 linear feet, measured from property line to property line.
- c. Automobile service stations within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 linear feet, measured from property line to property line.
- d. Package stores within the district provided that they are separated from another parcel with the same permitted use by a minimum horizontal distance of 1,000 linear feet, measured from property line to property line.
- e. Eating and Drinking Establishments, except those establishments that receive an alcohol license as a nightclub establishment.

2. Hours of Operation for certain primary and accessory uses:

- a. Commercial recreation establishments, including theaters and other similar places of assembly (not to be construed as churches or similar places of religious assembly) with primary activities conducted within fully enclosed buildings: shall not operate between the hours of 2:00 a.m. to 7:00 a.m.
- b. Eating and drinking establishments: shall not operate between the hours of 2:00 a.m. to 6:30 a.m., Monday through Thursday. There shall be no limit to hours of operation Friday and Saturday.
- c. Clubs and lodges: shall not operate between the hours of 2:00 a.m. to 7:00 a.m.

- d. Grocery stores: shall have no limit to hours of operation.
 - e. All other uses: No use shall operate for services to the general public between the hours of 11:00 p.m. to 7:00 a.m.
3. Prohibited Uses:
- a. Park-for-hire facilities on surface lots.
 - b. Pawn shops.
 - c. Tattoo and body piercing establishments.
4. *Special Administrative Permits.* The following administrative variations shall be permitted:
- a. Street Tree requirements. Variations are subject to constraints such as overhead or underground utilities, topography, or for the preservation of existing trees greater than six (6) inches in caliper measured four and one-half (4.5) feet above the natural grade at the base.
 - b. Street furniture and tree planting zone: On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Bureau of Planning.
 - c. Sidewalk and Supplemental Zone width requirements: In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street. Sidewalk and supplemental zone width requirements may also be varied subject to constraints related to existing topography or preservation of existing trees (as noted above).
 - d. Outdoor dining within required sidewalk for new and pre-existing buildings: outdoor dining may encroach into the sidewalk clear zone provided all of the following criteria are met:
 - i. Shall have a minimum of four (4) feet width of unobstructed sidewalk area. In areas of congested pedestrian activity and or pedestrian safety concerns, the Director is authorized to require a wider pedestrian path, as circumstances dictate.
 - ii. No permanent structure or ornamentation shall be located within the area where encroachment is permitted.
 - iii. The outdoor dining area shall be visually delineated on the sidewalk with pavers (or similar treatment) and may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material. Tables, chairs, umbrellas, and any other furniture shall not extend outside of the designated dining area.
 - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter.

5. In addition to the requirements of Section 16-32.018 "Loading areas, loading dock entrances and building mechanical and accessory features":
 - a. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
 - b. Dumpsters shall have a self-closing gate and walls or fencing a minimum of twelve (12) inches higher than the dumpster receptacle.
 - c. Building mechanical and accessory features not located on rooftops shall provide landscaping or similar screening. Said shrubbery shall consist of a continuous hedge of evergreen shrubbery, and shall be a minimum height of three (3) feet at time of planting and reach a minimum height of six (6) feet at maturity.

6. In addition to the requirements of Section 16-32.020 "Curb cuts and parking structures", two curb cuts serving two one-way driveways shall only be counted as one curb cut.

7. Off-Street Parking Requirements: In addition to requirements provided in Section 16-32.023 "Minimum Parking Requirements", the following parking requirements shall supplant the requirements for the uses specified below in the Table.

NC-6 CASCADE HEIGHTS NEIGHBORHOOD COMMERCIAL DISTRICT: PARKING TABLE	
Permitted Use	Minimum Parking Requirement*
Banks and similar institutions	4.0 spaces per 1,000 sq. ft.
Retail Establishments (including catering, delicatessen and bakeries) Clothing and Tailor Shops Sales and Repair Establishments	4.0 spaces per 1,000 sq. ft.
Eating and Drinking Establishments	5.0 spaces per 1,000 sq. ft.
Outdoor Dining (greater than 25% of the enclosed floor area)	3.0 spaces per 1,000 sq. ft.
Office	2.0 spaces per 1,000 sq. ft.
Dwellings and Lodgings	1.0 space per unit
All other non-residential uses and Accessory Uses, not otherwise identified in Section 16-32.023	2.0 spaces per 1,000 sq. ft.
Electric Vehicle Charging Requirements	None
* Minimum parking requirements may be reduced within the NC-6 District, provided a shared parking arrangement subject to requirements of Section 16-32.023(3).	

Section 2: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on “Attachment A”.

Section 3: That Chapter 16-28A.010(36) of the City of Atlanta Municipal Code, the Sign Ordinance, be amended by adding a new Subsection (c) to read as follows:

- c. In addition to the NC District general sign regulations, the following shall also apply to the Cascade Heights NC-6 District:
 - i. Wall signs and parapet wall signs shall be flush against the wall and shall not cover architectural building ornamentation.
 - ii. Blade signs shall not extend five (5) feet beyond the building façade.

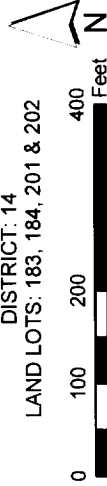
ORDINANCE Z-08-17
ATTACHMENT 'A'

NC-6

**CASCADE HEIGHTS
NEIGHBORHOOD COMMERCIAL
DISTRICT**

CITY OF ATLANTA

DISTRICT: 14
LAND LOTS: 183, 184, 201 & 202



From: C-1
To: NC-6

From: C-2-C
To: NC-6

From: RL-C-C
To: NC-6

From: RL-C
To: NC-6

From: R-4
To: NC-6

From: C-1-C
To: NC-6

From: RL-C-C
To: NC-6

